

Message Text

LIMITED OFFICIAL USE

PAGE 01 CANBER 02552 070735 Z

12

ACTION L-03

INFO OCT-01 EUR-25 EA-11 IO-12 ADP-00 AEC-11 ACDA-19 SCI-06

CIAE-00 DODE-00 PM-09 H-02 INR-10 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-15 USIA-12 NSF-04 GAC-01

MBFR-03 RSR-01 /160 W

----- 121932

R 070651 Z MAY 73

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 881

INFO AMEMBASSY THE HAGUE

AMEMBASSY PARIS

AMEMBASSY WELLINGTON

USMISSION USUN NEW YORK

LIMITED OFFICIAL USE CANBERRA 2552

E. O. 11652: N/ A (DECONTROL 5/7/74)

TAGS: ICJ (INTL. COURT OF JUSTICE) , FR, AS

SUBJECT: ICJ CASE ON FRENCH NUCLEAR TESTING

REF: STATE 0855 84

1. SUMMARY: AP REPORT IN REFTEL APPEARS TO BE GARBLED VERSION OF IMPLICATION BY PM WHITLAM AT PRESS CONFERENCE MAY 1 THAT AUSTRALIA WOULD SEEK TO BRING FRANCE BEFORE ICJ ON NUCLEAR TEST ISSUE IF ONGOING TALKS BETWEEN FRENCH AND AUSTRALIAN SCIENTISTS ARE UNPRODUCTIVE. GOA ANNOUNCEMENT ON RECOURSE TO ICJ NOT YET MADE BUT IS ANTICIPATED IN NEXT WEEK OR TWO. CORE OF EXPECTED GOA CASE AGAINST FRANCE LIKELY TO BE THAT TESTS VIOLATE AUSTRALIAN SOVEREIGNTY BY POLLUTING AUSTRALIAN ENVIRONMENT AND THAT PROCLAMATION OF PROHIBITED AREA IN ZONE OF TESTS INTERFERES WITH 1958 GENEVA CONVENTION ON FREEDOM OF THE SEAS. END SUMMARY.

2. AP REPORT CITED BY DEPT. IN REFTEL APPEARS TO BE GARBLED VERSION OF COMMENT MADE BY PRIME MINISTER WHITLAM AT HIS PRESS CONFERENCE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 CANBER 02552 070735 Z

MAY 1, DURING WHICH FOLLOWING EXCHANGE TOOK PLACE:

" (PRIME MINISTER WHITLAM STATED) THE FRENCH FOREIGN MINISTER SAID PERSONALLY-- HE GAVE HIS ASSURANCE-- THAT THE TESTS WOULD NOT TAKE PLACE DURING THE SCIENTIFIC DISCUSSIONS WHICH ARE TO TAKE PLACE BETWEEN FRENCH AND AUSTRALIAN SCIENTISTS IN AUSTRALIA NEXT MONDAY (MAY 7) AND THE FOLLOWING FEW DAYS.

" (QUESTION) SIR, HOW WILL YOU DECIDE WHETHER THOSE TALKS HAVE BROKEN DOWN AND THEREFORE YOU INTEND TO GO TO THE INTERNATIONAL COURT?

" (PRIME MINISTER) WE' D COME TO THIS CONCLUSION IN A VERY FEW DAYS, I WOULD EXPECT.

" (QUESTION) A FEW DAYS?

" (PRIME MINISTER) YES."

3. THERE HAS BEEN NO REPEAT NO ANNOUNCEMENT BY THE GOVERNMENT OF AUSTRALIA THAT IT WOULD SEEK TO TAKE FRANCE TO THE INTERNATIONAL COURT OF JUSTICE ON THE ISSUE OF NUCLEAR TESTING. THE REFERENCE TO THE VISIT OF FRENCH SCIENTISTS IS TO THE VISIT TO AUSTRALIA BY A TEAM OF FRENCH SCIENTISTS COMPOSED OF PROFESSOR GAUVET, DR. MECHLI, MR. LAVIE, AND MR. AUSSARD, WHO ARRIVED IN SYDNEY ON MAY 6. IT SEEMS LIKELY THAT THE DISCUSSIONS BETWEEN FRENCH AND AUSTRALIAN SCIENTISTS WILL LEAD NOWHERE, AND IT IS THEREFORE LIKELY THAT THERE WILL BE AN AUSTRALIAN GOVERNMENT ANNOUNCEMENT ON TAKING THE ISSUE TO THE ICJ EITHER THIS WEEK OR NEXT WEEK.

4. AS TO THE SUBSTANCE OF THE AUSTRALIAN CASE, ALL INDICATIONS ARE THAT IT IS BEING PREPARED BY A MEMBER OF YOUNGER AUSTRALIAN LECTURERS IN INTERNATIONAL LAW AT SYDNEY UNIVERSITY AND FLINDERS UNIVERSITY (ADELAIDE), WITH FINAL TOUCHES BEING ADDED BY SENATOR LIONEL MURPHY, THE ATTORNEY GENERAL, WHO IS EXPECTED TO BE AUSTRALIA' S ADVOCATE AT THE ICJ. DFA IS AWARE OF THE PREPARATIONS BUT IS ALSO AWARE THAT VERY LITTLE CAN BE EXPECTED FROM THIS COURSE OF ACTION. THE CORE OF THE GOA CASE BEFORE THE ICJ IS EXPECTED TO BE THAT BY HOLDING THE NUCLEAR TESTS IN THE SOUTH PACIFIC JVEA FRANCE WOULD BE BREAKING INTER-LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 CANBER 02552 070735 Z

NATIONAL LAW AND INVADING AUSTRALIAN SOVEREIGNTY BY POLLUTING THE AUSTRALIAN ENVIRONMENT. THE AUSTRALIANS ARE ALSO LIKELY TO STATE THAT, BY PROCLAIMING A PROHIBITED AREA IN THE SOUTH PACIFIC DURING THE TESTS AND THEREBY INHIBITING OR HALTING TRANS- PACIFIC SEA AND AIR TRAFFIC, FRANCE IS INTERFERING WITH THE 1958 GENEVA CONVENTION ON FREEDOM OF THE SEAS.

5. COMMENT: DESPITE GENERALLY UNFAVORABLE PROSPECTS FOR A CANCELLATION OF THE NUCLEAR TESTS, THE GOA APPEARS DETERMINED TO PRESS AHEAD WITH ITS PRESENT EFFORTS. SUBJECT IS CERTAIN TO ATTRACT CONSIDERABLE ATTENTION IN THE NEXT FEW WEEKS, AND EMBASSY WILL REPORT AS APPROPRIATE.
RICE

LIMITED OFFICIAL USE
NMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 07 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973CANBER02552
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: CANBERRA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730537/aaaahyqf.tel
Line Count: 124
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 STATE 85584
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 23 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23-Oct-2001 by cunninfx>; APPROVED <12-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 971212
Subject: ICJ CASE ON FRENCH NUCLEAR TESTING
TAGS: PFOR, n/a
To: L
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005